

Valerie Adams v. Jeffrey T. Regnier
22 SOEB GP 513

Candidate: Jeffrey T. Regnier

Office: Representative, 1st Congressional District

Party: Republican

Objector: Valerie Adams

Attorney for Objector: N/A – Pro Se

Attorney for Candidate: Burt Odelson & Ross Secler

Number of Signatures Required: 400

Number of Signatures Submitted: 1,079

Number of Signatures Objected to: 200

Basis of Objection: Nomination papers include petition sheets with the names of persons whose signatures are not genuine; who are not registered to vote or are not registered to vote at the addresses opposite their names; whose addresses are outside the 1st Congressional District; or whose addresses are missing or incomplete.

Affidavits of 12 circulators are allegedly not properly notarized.

Enumerated pages were allegedly notarized by the Candidate in violation of the Illinois notary public law and rules for notarization or were improperly dated.

The signature of the Notary Robert Angone is not genuine. Petition pages notarized by Angone do not have a genuine notary seal or have several variations and indistinguishable initials or symbol-like markings. The petition pages circulated by Emann Regnier and Evin Reginer suggest they were not the true circulator. As a result, there is a pattern of fraud or round tabling.

Dispositive Motions: Candidate's Motion to Strike and Dismiss filed 3/31/22. Candidate moves to strike paragraphs 11-16 of Objector's petition for failure to state a legally sufficient objection to the Candidate's nomination papers. Candidate cites to Section 10-8 of Election Code, and *Daniel v. Daly*, 2015 IL (1st) 150544, generally in supporting his contention. He argues: (1) the objections are insufficient as pled, and minor deficiencies in the notarial jurat or the notary's technical omission will not invalidate nominating petitions; (2) Objector's petition fails to state proper grounds for a pattern of fraud; (3) Objector's petition fails to allege a sufficient number of valid, legal objections, as the petition makes objections against 228 individual petition signatures, but Candidate has submitted approximately 1,0789 signatures, and even if all objections are

sustained, Candidate's nominating petitions would still contain 851 valid signatures, 451 in excess of the statutory minimum for the office sought; and (4) Objector's filing constitutes a "shotgun" objection, not brought after reasonable inquiry and fails to fully state the nature of the objections against individual petition signers.

Objector's Answer to Candidate's Motion to Strike and Dismiss filed 4/4/22. Objector alleges every page of the candidate's petition and the anomalies therein were detailed in the objection petition. Objector argues she has done more than a reasonable and thorough validation of the nomination papers of Candidate. She states the certification requirements have been strictly enforced by courts because such requirements are important safeguards against fraud in the nominating process.

Candidate's Reply to Objector's Answer to Candidate's Motion to Strike and Dismiss filed 4/6/22. Candidate reiterates the arguments supporting dismissal brought forth in his Motion to Strike and Dismiss and states Objector's Response fails to provide any substantial response to the factual and legal assertions provided by Candidate.

Record Exam Necessary: Yes, conducted 4/11/22. Of 200 lines examined, 129 objections were sustained and 71 overruled, leaving Candidate with 950 valid signatures, 550 more than the statutory minimum of 400. Neither Party requested a Rule 9 Hearing.

Hearing Officer: Ernest Gowen

Evidentiary Hearing: Following the issuance of a subpoena at Objector's request, an evidentiary hearing was conducted on 4/15/22.

Hearing Officer Findings and Recommendations: The Hearing Officer recommends finding Objector has not met her burden of proof to establish a pattern of fraud in Candidate's nomination petitions. The Objector proffered two Notary Public Applications signed by Robert Angone, but did not offer any other evidence which would refute the authenticity of the signatures appearing on those applications or support the circulator or notary allegations contained within paragraphs 11-16 of Objector's petition. As such, and in relying on *Daniel v. Daly*, 2015 IL (1st) 150544, the Hearing Officer recommends paragraphs 11-16 fail to satisfy pleading standards.

As to paragraphs 1-5 of the Objector's petition, the Hearing Officer recommends relying on the results of the record exam conducted on 4/11/22 and finding Candidate has 950 valid signatures, 550 greater than the required 400 signatures.

As such, the Hearing Officer recommends the Objection be sustained and the name of the Candidate be certified to the June 28, 2022, General Primary ballot.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation, except that no finding on whether paragraphs 11-16 satisfy pleading standards is necessary in light of the Hearing Officer's determination that Objector has not met her burden of proving a pattern of fraud. The General Counsel recommends supplementing the recommendation with a finding that Objector has not met her burden of proving any notarial or

circulator defects within Candidate's nomination papers. Also, Candidate's Motion to Strike and Dismiss has been rendered moot by the recommendations on the merits.

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OF OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES
FOR ELECTION TO THE OFFICE OF US CONGRESS, 1ST CONGRESSIONAL
DISTRICT TO BE VOTED UPON AT THE JUNE 28, 2022 REPUBLICAN PRIMARY
ELECTION**

VALERIE ADAMS,)	
)	
Petitioner-Objector)	
)	
v.)	No. 22 SOEBGP 513
)	
JEFFREY REGNIER,)	
)	
Respondent-Candidate)	

RECOMMENDATIONS AND PROPOSAL FOR DECISION OF HEARING OFFICER

Pursuant to Rule 5(c) of the Rules of Procedure of the State Officers Electoral Board, the undersigned Hearing Officer makes the following Recommendations and Proposal For Decision.

CASE MANAGEMENT CONFERENCE

A brief case management conference was conducted on the morning of March 29, 2022. The Objector was present pro se; the Candidate was present by his attorney, ROSS D. SECLER, both of whom filed their Appearances. The conference was commenced and concluded *sine die*.

PLEADINGS

The following pleadings were timely filed and considered:

- OBJECTOR’S PETITION.
- CANDIDATE’S MOTION TO STRIKE AND DISMISS OBJECTOR’S PETITION.
- OBJECTOR’S (ANSWER) RESPONSE TO MOTION TO STRIKE AND DISMISS OBJECTOR’S PETITION.
- CANDIDATE’S REPLY TO OBJECTOR’S RESPONSE TO MOTION TO STRIKE AND DISMISS OBJECTOR’S PETITION.

SUBSEQUENT PROCEEDINGS

The Objector subsequently requested issuance of a Subpoena, which request was granted, and a Subpoena issued.

Subsequently, a hearing was conducted and concluded on the morning of April 15, 2022, at 10:30 a.m. That hearing was attended by the Objector, counsel for the Candidate, and the Hearing Officer.

ANALYSIS

The gravamen of the issue at hand is, indeed, set forth in paragraphs 11 through 16 of the Objector's Petition, which allege, inter alia, a pattern of fraud, whether by one (1) Robert Angone, as a notary public; or one (1) Eamann Regnier, as a circulator.

Specifically, the repetitive allegations are, inter alia, as follows: *(t)he Nomination Papers... demonstrate a pattern of fraud ...; the nomination petitions ... appear to be fraudulent and would suggest ... (Emphasis added.)*

Additionally, the Objector raises an issue as to the authenticity of the signature of Robert Angone. The Objector requested, and was granted a Subpoena Duces Tecum, authorizing *a copy of the signature of notary Robert Angone*, which was provided by the Secretary of State of Illinois, Index Department. Two (2) Notary Public Applications, dated September 7, 2016 and July 27, 2020, signed by Robert Angone, were admitted into evidence, without objection. However, no other evidence was introduced which would, possibly, refute the authenticity of the signatures which appear on either, or both, Applications.

With respect to the *Circulator* objection, Appendix B of the Rules of Procedure, II.C., no evidence was introduced, whether it be a *signature on (a) registration card*, or otherwise, to establish that the Circulator's signature was not genuine.

When otherwise considering the referenced paragraphs 11 through 16 in their entirety, or individually, they simply fail to satisfy the pleading standard as set forth in Section 10-8 of the Illinois Election Code, requiring that the Petitioner must *state fully the nature of the objection ...*

Furthermore, and as the Candidate elaborates at p. 3 of his MOTION TO STRIKE AND DISMISS, *(f)ulfillment of each of the requirements of Section 10-8 of the Illinois Election Code is*

mandatory and failure to strictly comply with the minimal pleading requirements contained therein subject an objection to dismissal. (Daniel v. Daly).

Addressing the Objector's objection as set forth in paragraphs 1 through 5, these specific objections were addressed in a RULE 9 RECORDS EXAMINATION which was commenced and completed on April 11, 2022. The OBJECTION SUMMARY REPORT of the Examination is attached hereto (Exhibit A). Staff ruled on objections to 200 signatures, of which 129 were sustained, leaving 950 valid signatures, (i.e., 879 unchallenged lines and 71 valid), which results in 550 signatures greater than the required number of 400 signatures.

Rule 9 further provides that *the staff findings as to whether the objections are sustained or overruled may be considered as evidence...*

The deadline for Rule 9 evidence submission was 5:00 p.m. on April 14, 2022; said deadline was not extended, and no such evidence was submitted.

RECOMMENDATION

It is the Recommendation of the Hearing Officer that the State Officers Electoral Board overrule the objection to the Candidate's nominating papers, and determine that the Candidate's name be certified for the ballot as candidate for the Office of US Congress, 1st Congressional District.

Dated: April 18, 2022

Respectfully submitted,



ERNEST L. GOWEN, Hearing Officer

OBJECTION SUMMARY REPORT
22SOEBGP513 / ADAMS V. REGNIER

OBJECTOR(S)

VALERIE ADAMS
4738 S. LANGLEY
CHICAGO, IL 60615

CANDIDATE(S)

JEFFERY T REGNIER
24104 S. OLD FARM ROAD
MANHATTAN, IL 60442

REPUBLICAN
1ST CONGRESS

OBJECTION TOTALS

Petition pages	156	Examined	200	
Lines with signatures	1,079	Valid	71	35.5%
Lines with objections	200	Invalid	129	64.5%
Unchallenged lines	879	Pending	0	0%
	Pages with objections	61	39%	
	Pending	61	100%	
	Overruled	0	0%	
	Sustained	0	0%	
	Signatures subtracted	0		
Required signatures	400	Over/Under required signatures	+550	

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON
OF OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF US
CONGRESS, 1ST CONGRESSIONAL DISTRICT TO BE VOTED UPON AT THE JUNE 28, 2022
REPUBLICAN PRIMARY ELECTION**

VALERIE ADAMS Petitioner - Objector

V.
JEFFREY REGNIER Respondent – Candidate

OBJECTOR'S PETITION

The objector states that she resides at 4738 S. LANGLEY, CHICAGO, IL, 60615; that she is a duly qualified and registered legal voter of the 1ST Congressional District, State of Illinois, the district in which the candidate is to be voted upon, and that her interest in filing the following objections is that of a citizen desirous of seeing that the election laws governing the filing of nomination papers for the office of US Congress, 1st Congressional District, State of Illinois, are properly complied with, and that only qualified candidates appear on the ballot for said office as candidates for the primary election.

Therefore, she makes the following objections to the Nomination Papers of JEFFREY REGNIER, as a candidate for the election to the office of US Congress, 1st Congressional District, State of Illinois, to be voted upon at the JUNE 28, 2022 Primary Election.

Pursuant to state law, nomination papers for the election for the office of US Congress, 1st District, State of Illinois, is to be voted for at the JUNE 28, 2022 Primary Election, must contain the signatures of not fewer than 400 duly qualified, registered and legal voters of said District, collected in a manner prescribed by law. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in Illinois Election Code, and otherwise executed in the form provided by law. The Nomination Papers purport to contain signatures in excess of 400 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code. **The code referenced throughout this objection is 10 ILCS 5/7: The Making of Nominations by Political Parties and all cited annotations, etc. therein.**

NOMINATION PETITION DATA:

Summary of Signature Verification showing data collected:

1. The Nomination Papers contain the names of persons who did not sign said papers in their own proper persons, and said signatures are not genuine and are forgeries, **Signature Not Genuine is in violation of the Illinois Election Code.**

PAGE	LINE	PAGE	LINE	PAGE	LINE
10	10	12	7	20	10 duplicate page 62 line 5
11	6	22	7	70	4
12	3	22	8	72	10
77	3	102	8		
77	4	105	7		
86	8	105	9		
89	2	106	2		
89	3	107	1		
89	8	107	2		
89	9	135	2		

90	1	138	1		
92	1	139	9		
92	2	139	10		
92	6	142	10		
92	7				
94	10				
97	3				

2. The Nomination Papers contain petition sheets with the names of persons who are not registered voters at the addresses shown opposite their respective names, **Signer Not Registered At Address Shown is in violation of the Illinois Election Code.**

PAGE	LINE	PAGE	LINE	PAGE	LINE
1	4	23	10	89	7
5	3	24	7	92	3
12	1	57	5	94	9
12	2	64	3	95	2
12	5	64	4	99	2
12	7	70	3	99	4
20	1	74	4	99	5
20	5	81	3	99	6
20	9	86	4	99	7
22	4	86	6	99	9
22	10	89	1	100	6
23	2	89	5	102	4
102	5	116	7		
102	6	128	1		
102	7	135	2		
102	8	136	9		
102	10	136	10		
104	1	138	1		
104	2	138	2		
105	1	139	9		
105	3	141	3		
105	4	141	8		
105	6	153	2		
107	1	153	3		
110	3	153	4		

3. The Nomination Papers contain petition sheets with the names of persons who are not registered voters at the addresses shown opposite their respective names, **Signer Is Not Registered Voter is in violation of the Illinois Election Code.**

PAGE	LINE	PAGE	LINE
1	4	92	3
5	3	92	6
12	1	93	1
12	2	94	9
20	1	99	7
20	5	99	9
22	4	102	4
23	2	102	5
23	10	102	6
24	7	104	2
57	5	105	1
64	3	105	3
70	3	105	4
74	4	105	6
75	3	106	2
81	3	106	3
86	4		
86	6		
89	1		
89	10		

4. The Nomination Papers contain petition sheets with the names of persons who for whom addresses are stated which are not in and/or outside the boundaries of the US 1st Congressional District, State of Illinois and such signatures are not valid, **Signer Resides Outside District is in violation of the Illinois Election Code.**

PAGE	LINE	PAGE	LINE	PAGE	LINE
1	4	40	3	75	3
6	9	40	4	77	7
7	3	41	1	83	2
10	2	55	4	83	3
11	2	55	9	83	4
12	6	57	4	83	5
12	7	57	10	83	6
12	8	64	1	85	1
12	9	64	2	85	2
12	10	67	4	85	4

20	2	67	9	86	5
20	3	70	4	86	7
22	8	70	5	89	8
23	2	72	8	90	2
23	4	74	1	91	1
23	5	74	2	91	2
23	6	74	3	91	3
24	6	74	5	91	6
37	2	74	7	91	7
39	8	74	8	91	8
91	9	93	8	94	8
92	6	93	9	94	9
93	1	93	10	95	2
93	4	94	1	95	3
93	7	94	7	95	6
95	7	97	9	102	9
95	8	97	10	102	10
96	4	99	4	105	5
96	8	99	5	106	3
96	9	100	10	107	1
97	2	100	10	109	1
97	4	101	6	116	9
97	5	102	3	116	10
136	8	151	2	151	8
138	1	151	3	151	9
141	6	151	4	151	10
147	1	151	5	152	1
149	3	151	6	152	3
151	1	151	7	153	1
153	2	153	4	153	8
153	3	153	7		

5. The Nomination Papers contain the names of persons for whom the signer's address is missing or incomplete;
Signer's Address Missing or Incomplete is in violation of the Illinois Election Code.

PAGE	LINE
37	7
37	8
37	9
55	8
90	3

6. The Nomination Papers contain a total of 12 circulators who stated that they appeared in front of a notary and signed and sworn (affirmed) to the genuineness of the signatures and residents of those affixed to the nomination papers. Of those circulators, only ONE **Michael Bonono** has a different notary (page 73) where the notary signatures is properly affixed. That notary is Carmen J. Maurella III.

7. The Nomination Papers contain petition sheets that were done in a round-table or seriatim fashion against the **Illinois Election Code** and each such page should be invalidated.

PAGE
16
17
29
30
87
89
93
94
134
151
155

8. The Nomination Papers show that a total of four (4) Illinois notaries, one of whom is the candidate himself: JEFFREY REGNIER who signed and stated that each of the persons appeared before them within the specified dates of January 13, 2022 through March 14, 2022. The remaining notaries are a follows: Robert Angone, Joyce Romanowski and Carmen J. Maurcella III.

9. The Nomination Papers contain petition sheets wherein the candidate acted as notary to his own nomination papers in violation of the Illinois Notary Public law rules for notarization. **Those pages are as follow: 151, 152, 153, 154, 155, 156; a total of six sheets.** And as such, every signature on the sheets is invalid, as a notary cannot notarize a document for which he/she has a personal interest and/or is party to the matter.

Refer to: https://ilsos.gov/publications/pdf_publications/ipub16.pdf

page 13/14, ARTICAL VI, NOTARIAL ACTS & FORMS, SECTION 6-104 PROHIBITED ACTS,. Specifically (a) and (b).

10. The Nomination Papers contain a petition sheet #39 and the Loyalty Oath where notary **ROBERT ANGONE** Commission Number# 844747, stated that the candidate and a circulator (Jeffrey Regnier) **had appeared before him on a date in the future. That date is 9-3-2022.**

11. The Nomination Papers contain numerous sheets where the circulator did not appear before a notary, but in fact, demonstrates a pattern of fraud and disregard of the Election Code to such a degree that every sheet where the notarization by notary **ROBERT ANGONE** should be invalidated in order to protect the integrity of the electoral process. **A total of 149 pages that clearly demonstrates a pattern of fraud regarding the mandatory swearing of the oath before an officer. Illinois Election Code 10 ILCS 5/7 -10.**

12. The nomination petitions of Circulator Eamann Regnier, appear to be fraudulent and would suggest he was not the circulator of those pages as the signature affixed to the sheets and as sworn to by the notary (whose signature is also in question) appears to be fraudulent in comparison to his signature on another candidate's nomination papers and his voter ID signature on file in the Will County Clerk's office. Petition papers suggest that most, if not all, of the sheets purportedly circulated by **Eamann Regnier** shows a pattern of fraud and false swearing and utter disregard for the requirements of the Election Code. And as such, all of the sheets of this circulator must be stricken in order to preserve the integrity of the electoral process. **Those pages are as follows: 6, 7, 15, 134 151.**

13. The nomination petitions of Circulator **Evin Regnier**, appear to be fraudulent and would suggest he was not the circulator of those pages as the signature affixed to the sheets and as sworn to by the notary (whose signature is also in question) appears to be fraudulent in comparison to his signature on another candidate's nomination papers and his voter ID signature on file in the Will County Clerk's office. Petition papers suggest that most, if not all, of the sheets purportedly circulated by **Evin Regnier** shows a pattern of fraud and false swearing and utter disregard for the requirements of the Election Code. And as such, all of the sheets of this circulator must be stricken in order to preserve the integrity of the electoral process. **Those pages are as follows: 2 (no notary signature), 3, 13, 14, 29, 30, 31, 36, 37, 38, 40, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60, 61, 63, 65, 66, 70, 71, 72, 81, 82, 83, 85, 91, 101, 102, 103, 104, 133, 135.** These sheets should be stricken and invalidated in order to preserve the integrity of the election process.

14. All petition sheets that bear the notary seal of ROBERT ANGONE sworn to by the various circulators show several variations and indistinguishable INITIALS and/or SYMBOL LIKE markings for ROBERT ANGONE to the degree that it is apparent that none appeared before the notary, but had unlimited use of his stamp and utilized it not only as part of the nominating petition oath. but also each signed his/her own version of ROBERT ANGONE'S "signature". According to the Index Department of the Illinois Secretary of State, ROBERT ANGONE'S address is located in Manhattan, Illinois. We did a search of ROBERT ANGONE'S applicant information and the address on file with the Index Department of the Illinois Secretary of State's Office, in order to obtain a true full signature as required to become a notary. That information will be forthcoming.

The "signature" of ROBERT ANGONE was a result of deliberate fraud among those circulating the petition papers that bear his stamp and name. The circulators used the stamp in a round-table or seriatim fashion in violation of the Illinois Election Code and each page must be invalidated.

Refer to: https://ilsos.gov/publications/pdf_publications/ipub16.pdf

page 13/14, ARTICAL VI, NOTARIAL ACTS & FORMS, SECTION 6-104 PROHIBITED ACTS,. Specifically (a)

15. In comparison, the signatures of the other aforementioned notaries: Joyce Roamonwski and Carmen J. Maurella III, where one can clearly see the signature and in comparison to the thousands of notaries that perform notary acts on a continuous basis and according to the Illinois Notary Public Law, wherein a notary's "signature" must be affixed in a manner that is clearly readable and understood to be that of the notary without question and/or ambiguity.

16. Due to the obvious deficits of the petition sheets containing the signatures of notary **ROBERT ANGONE**, this objector must object to the entire nomination papers of **JEFFREY REGNIER** as being fraudulent and that every signature within be deemed invalid. The candidate has placed himself and every circulator using the notary ROBERT ANGONE in serious violation and disregard of the election process; as it done with the intent to defraud the voters of the 1st Congressional District of Illinois and with total disregard to the oath sworn as a candidate.

17. Considering all of the herein named infractions and deficiencies regarding the manner in which the nominating petitions have been in violation of the Illinois Election Code and with the other points outlined within, the Nomination Papers contain less that **400 validly collected signatures of qualified and duly registered legal voters of the US 1st Congressional District, State of Illinois, signed by such voters in their own proper person with proper addresses;** far below the number required under Illinois law.

WHEREFORE, your objector prays that the nomination papers of JEFFREY REGNIER as a candidate for the election to the office of US CONGRESS, DISTRICT 01, State of Illinois, at the June 28, 2022 Primary Election be declared to be insufficient and not in compliance with the laws of the State of Illinois, and that this name be stricken and that this Board enter its decision declaring that the name of JEFFREY REGNIER as a candidate for election to the office of US Congressman, DISTRICT 01, State of Illinois, BE NOT PRINTED upon the official ballot for the REPUBLICAN Primary Election to be conducted June 28, 2022.

Valerie Adams

Objector

Signed

**Janet Diaz, Roger A. McReynolds, and Joel P. Brown v.
Eric Mattson
22 SOEB GP 519**

Candidate: Eric Mattson

Office: Senate, 43rd Legislative District

Party: Democratic

Objectors: Janet Diaz, Roger A. McReynolds, and Joel P. Brown

Attorney for Objectors: Ed Mullen

Attorneys for Candidate: Burt Odelson and Ross Secler

Number of Signatures Required: 650 – 2,000

Number of Signatures Submitted: 1,534

Number of Signatures Objected to: 569

Basis of Objection: Nomination papers include petition sheets with persons who are not registered voters or who are not registered at the addresses opposite their respective names; whose signatures are not genuine; whose addresses are not within the 43rd Legislative District; whose addresses are missing or incomplete; and who signed the petition more than once.

Petition sheets are not compliant with circulator and notarization requirements in that the circulator did not sign the petition pages; the circulator does not reside at the address shown; the circulator's signature is not genuine; the circulator's affidavit is incomplete; the circulator did not appear before a notary; the petition sheets were not notarized by a notary or the appropriate officer; the notary is incomplete or undated; or the circulator is not qualified under the law.

Named circulators engaged in a pattern of fraud and false swearing by falsely claiming they circulated petition sheets circulated by another.

Dispositive Motions: Candidate's Motion to Dismiss filed 3/31/22. Candidate moves to dismiss Objectors' petition in its entirety on the grounds that should every objected line be sustained, Candidate would have more than the statutory minimum signatures to qualify for the office sought. Candidate also argues various paragraphs of the petition are inadequately pled. He argues that if the total alleged circulation objections (114) were struck, Candidate has submitted 792 signatures, 142 than the statutory minimum of 650 signatures necessary to qualify for the office sought. Candidate claims Objectors' objection petition is a fishing expedition supported by unsubstantiated allegations and note Objectors' declining to provide copies of their alleged affidavits as evidence of Objectors' intent.

Objectors' Response to Candidate's Motion to Strike and Dismiss filed 04/04/22. Objectors defend the sufficiency of their pleading by stating the Candidate and his campaign/volunteers circulated the petition sheets and know who signed the petition sheets at issue. Objectors rely on *Fortas v. Dixon*, 122 Ill. App. 3d 697 (1984), in stating their pattern of fraud allegation is sufficient to put Candidate on notice of the specific circulators and sheets subject to the allegation.

Candidate's Reply to Objectors' Response to Candidate's Motion to Strike and Dismiss filed 04/06/22. Candidate notes Objectors' response did not answer paragraphs 2-6, 9, or 10 of Candidate's Motion. Candidate argues the record examination conducted on 04/04/22 revealed that 88% of Objectors' allegations of fraudulent objections were untrue. Specific to Objectors' pattern of fraud allegation, Candidate cites the Rules of Procedure at B-1 which require "to make a pattern of fraud claim, an objector must allege specific instances of fraudulent conduct in the signature gathering and related process. A general claim of pattern of fraud without specific examples is insufficient to establish such a claim." Candidate argues Objectors' petition has not provided such, and these are bad faith objections which should be dismissed.

Candidate's Motion for a Directed Verdict, filed 04/07/22. Candidate filed this Motion as part of a Rule 9 Motion which is addressed below. Candidate argues that with the signatures he can rehabilitate, he will have 1,308 valid signatures; 658 *over* the minimum of 650.

Record Exam Necessary: Yes. Record exam was conducted on 04/04/22. Of 570 lines objected to, 247 objections were sustained and 323 were overruled. At the conclusion, candidate had 1,288 valid signatures, 638 above the statutory minimum of 650.

Objector timely filed a Rule 9 Motion, and Candidate timely filed a Rule 9 Motion and Motion for a Directed Verdict. The Hearing was held on April 18, 2022. Based on the evidence submitted primarily in the form of 239 affidavits presented by the Candidate, as well as in-person testimony of circulators and others who witnessed the circulation process, the Hearing Officer provided various versions of calculations about how many signatures were valid depending on which evidence was accepted. Ultimately, *all* of the calculations resulted in the Candidate having substantially more than the minimum number of required signatures.

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendations: The Hearing Officer found no evidence of a pattern of fraud or a concerted effort organized by the Candidate, no proof that a pattern of fraud took place by Eric Mattson, Chris O'Hara, Noah Meyers and Michael Cardin, and no proof of intentional wrongdoing by Terry Mangum, Joe Valach, Scoot Matthews and Ryan Law.

The Hearing Officer found that the Candidate has at a minimum submitted 1,234 valid signatures, which is 584 over the minimum number required.

The Hearing Officer recommends that the Board deny Candidate's Motion to Strike and Dismiss Objector's Petition, and deny Candidate's Motion for a Directed Verdict solely on the basis that the Motion was filed prior to the Rule 9 Hearing on the pattern of fraud allegation. The Hearing

Officer further recommends the Board overrule the objection and that the name of Eric Mattson should be placed on the ballot as a Democratic Candidate for the Office of State Senator in the 43rd Legislative District to be voted upon the June 28, 2022 General Primary Election.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation, as supplemented with a finding that Objectors have not met their burden of proving any violations of notarial or circulator requirements.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BAORD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION
PAPERS OF CANDIDATES IN THE STATE OF ILLINOIS TO BE VOTED UPON
AT THE GENERAL PRIMARY ELECTION TO BE HELD ON JUNE 28, 2022

Diaz, Janet, et.al.)	
)	
PETITIONER/OBJECTOR)	
)	
v.)	No. 22 SOEB GP 519
)	
Mattson, Eric)	
)	
RESPONDENT/CANDIDATE)	

NOTICE OF FILING AND SERVICE

To:	General Counsel	GeneralCounsel@elections.il.gov
	Ed Mullen	ed_mullen@mac.com
	Burt Odelson	attyburt@osmfm.com
	Andy Finko	finkolaw@fastmail.fm

Please take notice that on April 19, 2022, the undersigned filed by e-mail to the General Counsel for the State Officers Electoral Board and to the individuals listed above, the attached Recommendation of Hearing Officer, a copy of which is attached hereto and herewith served upon you.

/s/ James Tenuto
James Tenuto

PROOF OF SERVICE

The undersigned attorney certifies he served copies of this Notice and the attached pleading on the above persons by e-mail at the above addresses on April 19, 2022.

/s/ James Tenuto
James Tenuto

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Addison, IL 60101
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**BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION
PAPERS OF CANDIDATES IN THE STATE OF ILLINOIS TO BE VOTED UPON
AT THE GENERAL PRIMARY ELECTION TO BE HELD ON JUNE 28, 2022**

Diaz, Janet, et.al.)	
)	
)	
)	No. 22 SOEB GP 519
vs.)	
)	
Mattson, Eric)	
)	
)	
)	

RECOMMENDATION OF THE HEARING OFFICER

This matter coming before the Illinois State Board of Elections sitting as the duly constituted State Officers Electoral Board (SOEB) and the Hearing Officer, pursuant to Appointment and Notice, makes the following Findings and Recommendations.

BACKGROUND

Eric Mattson, Candidate, timely filed nomination papers seeking to be placed on the June 28, 2022, General Primary Election ballot as a Democratic Candidate for the Office of State Senator in the 43rd Legislative District.

OBJECTION

Objector timely filed an Objection alleging the nomination papers contain signatures which, following a record examination, would result in the nomination papers containing valid signatures below the minimum of 650 required by Illinois Statute. Objector also questioned whether 4 circulators who signed circulator statements had been the actual circulators. Pattern of fraud was also alleged.

CASE MANAGEMENT CONFERENCE

The case was called on March 29, 2022. An Appearance was submitted by Ed Mullen for the Objector while Burt Odelson filed an Appearance for the Candidate.

The Case Management Conference (CMC) was held on 3/29/2022. James Tenuto had been appointed Hearing Officer and participated in the conference call along with Ed Mullen and Burt Odelson.

The CMC Order dated 3/29/2022 informed the Candidate and Objector of the procedures and filing deadlines in Rule 8 and Appendix A.

PRELIMINARY MOTIONS

Pursuant to Rule 8 the following Motions were submitted:

Candidate's Motion to Strike and Dismiss Objector's Petition

The Candidate's Motion refers to numerous sections in the Objection which he claimed lacked specificity. Prior to the record exam it was pointed out that subtracting the 742 signatures gathered by the 4 circulators leaves the Candidate with 792, which is 142 above the minimum.

Thus, the Objections is characterized as a "fishing expedition" (Par 7)

Objector's Response to Motion to Strike and Dismiss

The Objector argues the Objection puts the Candidate on notice of the specific circulators and sheets in question. Furthermore, ordering the Objector to provide a list of individuals from whom they have obtained affidavits moots the issue.

Candidate's Reply to Objector's Response to Motion to Strike and Dismiss

The Candidate reiterates that the math (reinforced now that the record exam is completed) supports his contention that pattern of fraud is unfounded.

The Hearing Officer recommends the Candidate's Motion to Strike and Dismiss Objector's Petition be DENIED and the Objection be decided on the results of the record examination and evidentiary hearing.

SUBPOENAS

(Candidates) Motion for Entry of Order and Issuing and Authorizing Subpoenas.

The Candidates requested subpoenas be authorized and issued to persons who signed Affidavits related to the “fraud” allegations. (Par. 2)

Objector’s Request for Subpoenas

Objector requested that 15 subpoenas be issued to certain individuals who signed the petition and/or “circulators” who may not have actually circulated certain petition sheets.

Candidate’s Response in Opposition to Request for Issuance of Subpoenas

The Candidate responds that Objector’s request for subpoenas does not have a “detailed basis for the request.” Thus, the requests do not satisfy Rule 8.

The SOEB GRANTED the Objector’s subpoena requests for personal appearances of the 15 individuals.

The SOEB GRANTED IN PART the subpoena requested by the Candidate regarding the 20 affidavit signers. Candidate’s request for names of any persons who gathered or notarized affidavits was DENIED.

RECORD EXAMINATION

Prior to the commencement of the record examination in the Springfield office of the State Board of Elections on 4/4/2022, both parties submitted a standing objection to any adverse rulings.

570 signatures were challenged. Objections to 247 of the 570 signatures were sustained. Based on the results of the record examination the Candidate was found to have submitted 1,288 valid signatures, 638 above the minimum of 650. A summary of the record examination is attached to this Recommendation as Exhibit A.

MOTIONS RELATED TO RULE 9

Objector’s Rule 9 Motion

The Motion states the record examiners erred with respect to 8 particular findings. Objector also sought clarification whether the signature count is 1532 or 1535. Finally, two affiants claim they did not sign the nomination petition.

Candidate's Rule 9 Motion and Motion for a Directed Verdict

This Motion is a breakdown which has 6 categories of Exhibits too detailed to describe. Candidate points out 640 of the 742 challenged signatures relate to the 4 circulators in question and were ruled valid. This alone is sufficient to defeat the pattern of fraud allegation.

Six affidavits in Exhibit B swore their signatures were genuine despite the objection being sustained. These 6 alone raise the Candidate total of valid signatures to 654 which is 4 above the minimum.

Exhibit C has 130 affidavits related to the 4 circulators in question attesting to the validity of the signatures on the petition signed in the presence of the circulator listed on that specific sheet.

Exhibit D contains 12 persons who attest to the validity of the Candidate's signature-gathering process.

Exhibit E contains 14 signers whose objections to genuineness of signatures were sustained. The Clerk's records contradict the "sustained" findings of the record examiners.

The Candidate argues in favor of a Motion for a Directed Verdict based on the above Rule 9 submissions.

Candidate's Response in Opposition to Objector's Rule 9 Motion

Candidate points out 2 counter-affidavits were submitted related to the 2 affidavits submitted by the Objector in his Rule 9 submission. Furthermore, the 7 signers in Exhibit A should not be included since no further evidence was produced within the time period. Finally, it is not proper to challenge the staff count via Rule 9. (A re-examination confirmed 1,535 was correct).

RULE 9 AND EVIDENTIARY HEARING

There were 8 rulings by the record examiners that the Objector sought to reverse. The crux of this Objection turns on whether or not the Candidate (Eric Mattson) and three circulators (O'Hara, Myers and Carlin) engaged in conduct that created a "pattern of fraud".

The Rule 9 deadline was April 7, 2022. The record examination found there were 1,288 valid signatures, 638 over the minimum. Thus, the Objector needed to have the 640 signatures gathered by the four circulators struck to prevail.

Objector's initial Rule 9 submission consisted of 8 rulings sought to be reversed questioning the staff count of 1535 (should be 1,532) and two affidavits where the affiants stated the signatures on the sheet were not genuine. The Hearing Officer ruled there was one duplicate signature and sufficient information to reverse Sheet 122-10. Net result was 2 fewer signatures.

Candidate's Rule 9 included 178 affidavits; six of the affidavits attest to the genuineness of their signatures.

Submitted on behalf of the four circulators were 90 affidavits related to the 640 signatures of Mattson, 17 related to the 42 by O'Hara, 10 related to the 22 of Myers and 13 related to the 30 signatures of Carlin. Affiants state the circulator on the petition sheet was the person who circulated and personally witnessed the signing.

Forty-two affidavits pertain to 12 circulators, other than the 4 contested circulators.

Objector's Omnibus Response to Candidate's Rule 9 was filed April 14, 2022, consisting of 27 Affidavits. Significantly, Objector argued "if the Hearing Officer strikes these signatures based on a pattern of fraud, Candidate would be below the minimum of 650 by 22 signatures". Candidate also questioned 5 other rulings at the record examination.

Candidate filed on April 15, 2022, an additional 47 affidavits to bring the total submitted on Candidate's behalf to 239.

The Objector attempted to file additional information on April 15, 2022. The attempt occurred after the noon deadline and was barred by the Hearing Officer. The times were: 12:04, 12:05, 12:07, 12:12 and 12:16 p.m.

Candidate's Motion to Strike and Dismiss Objector's Petition was heard initially. The Candidate was called to testify over the objection of the attorney as to the propriety of hearing testimony on the Motion.

Candidate testified to the circulator-related process. He detailed gathering signatures in his spare time, trading shifts with other firefighters, going out in groups and garnering assistance from other firefighters. All this took place in cold temperatures. (a debate occurred as to the actual temperature on certain dates). The Candidate acknowledged he decided to file for office "late in the game" which required help and hustle.

Objector challenged the sufficiency of the affidavits because nomination petition sheets were not attached. This was denied by the Hearing Officer.

The Motion to Strike and Dismiss was taken under advisement.

The following witnesses were called by Mr. Finko and their testimony is summarized as follows:

Molly Bartozech's testimony challenged Eric Mattson's claim that he was the actual circulator on Sheet 63, line 8.

Darren Lustik testified Eric Mattson was not the circulator for Sheet 107, line 5.

Chris O'hara testified that to the best of his knowledge, all signatures were signed in his presence despite contrary affidavits.

There was a stipulation that Mr. Carlin's testimony would be similar to the testimony of Mr. O'Hara. Candidate objected that the Affidavits which Mr. Carlin would view do not contain the same attachments as received by Mr. Odelson.

Lauren Staley Ferry testified she is the Will County Clerk and is seeking re-election. She circulated her own petitions occasionally with Mr. Mattson and other candidates. At no time did she circulate petitions for Mr. Mattson.

John Laesch is the campaign manager for Rachel Ventura who is opposing Eric Mattson. He reviewed the Candidate's sheets and wished to testify as to discrepancies noticed based upon his expertise. The request was denied as it did not pertain to circulator-related issues and involved what others told him.

A request to call notaries to testify as to what they observed about the process for securing affidavits was also denied as being irrelevant.

Terry Magnum stated he gathered signatures on 2-3 sheets, and turned in the sheets with the circulator's section blank. Those sheets were signed by Eric Mattson as the circulator.

Joe Valach testified similar to Mr. Magnum in regards to sheet 55.

Scott Matthews testified he circulated with the Candidate. He paid attention to Eric gathering signatures and did not realize he had to sign the circulator's portion. He participated in less than 4 sheets and was not aware of which sheets were uncompleted.

Ryan Las circulated only sheet 17 on one day.

Eric Mattson was recalled to discuss the sheets addressed by Ryan Las (sheet 17), Scott Matthew (sheet 15) and Terry Magnum (sheet 1). He testified that he was unaware how or why the circulator's statement was signed by him. He attributes it to a mistake, carelessness and/or rushing to gather signatures but denies any wrongdoing.

DISCUSSION

In order to succeed, the Objector must prevail on his argument that all 640 signatures gathered by the four circulators be struck because a pattern of fraud exists. Mr. Finko argues the testimony of Magnum, Valach, Matthews and Las who circulated petitions sheets but did not sign the circulator statement establishes a pattern of fraud which necessitates striking all sheets circulated by the 4 circulators in question.

The Hearing Officer respectfully disagrees.

Pattern of fraud requires a concerted effort and specific intent. There is no evidence of a concerted effort organized by the Candidate.

Candidate Mattson submitted 74 sheets with 628 signatures. The record examination found that 546 of the 628 signatures valid. O'Hara had 42 valid signatures on 7 pages containing 46 signatures. Myers had 22 of 36 signatures ruled valid on 5 sheets. Carlin had 30 of 94 signatures ruled valid on 5 sheets. This

hardly meets the 50% standard in Harmon v. Town of Cicero Mun. Officers Electoral Board, 371 Ill. App. 3d 1111. Though the four in question are circulators, there is an insufficient basis to strike all the signatures submitted by any of the four circulators.

I find the testimony of Mattson, O'Hara and Carlin to be truthful. Any irregularities in the circulator statement can be attributed to honest mistakes rather than a concerted effort to circumvent the Election Code.

As mentioned earlier, the Objector points out the Candidate has 648 signatures if all 640 of the signatures gathered by the four circulators are found to be a "pattern of fraud". Objector notes in his OMNIBUS Response that if the 20 signatures gathered by Lee Ann Revis are struck, the Candidate is below by 22 signatures. Solely for the sake of argument, subtracting for the 27 Affidavits, adjusting the signature count from 1,535 to 1,532, sustaining the two Rule 9 submissions Objector challenges (duplicate signature at 139-8 and 140-3 and ruling 122-10 not registered at the address listed on the petition) brings the Candidate to 596 valid signatures, 54 below the minimum. THIS ASSUMES ALL 640 SIGNATURES OF THE FOUR CIRCULATORS ARE FOUND TO BE A PATTERN OF FRAUD.

The above does not take into account the Candidate has submitted 239 affidavits which include numerous counter-affidavits. Many of the Affidavits attest the circulator is correctly listed.

As stated earlier, the Hearing Officer finds pattern of fraud has not been established based on the numbers examined, the testimony and numerous affidavits.

Objector implies firefighters being a tight-knit group "would do anything" to assist the Candidate. The Hearing Officer suggests this character assassination is unwarranted, insulting to their profession and done to benefit Mattson's opponent.

Adding the 239 Affidavits to the 594 base (above pars.), the Candidate arguably has:

596	See above
239	Affidavits
<u>640</u>	Pattern of Fraud not proven
1,475	signatures
<u>- 650</u>	minimum
825	above the minimum

Whatever manner used to analyze the numbers, the Candidate is substantially above the 650 minimum. Reductions related to the sheets circulated by Magnum, Valach, Matthews and Las, would be inconsequential as the Candidate is well above the 650 minimum.

I recommend the SOEB DENY the Candidates Motion to Strike and Dismiss Objector's Petition and DENY Candidate's Motion for A Directed Verdict. (The only reason the Hearing Officer recommends the Motion for a Direct Verdict be denied is because the Motion was filed prior to the Rule 9 Hearing on the Patten of Fraud Allegation). The Objection should be OVERRULED.

FINDINGS

1. The Candidate timely filed nomination papers for the Office of State Representative in the 43rd Legislative District to appear on the General Primary Election ballot as a Democratic Candidate to be voted on June 28, 2022.
2. An Objection to the Candidate's nomination papers was timely filed.
3. The Objection alleges the Candidate submitted an insufficient number of valid signatures which would place him below the required minimum of 650.
4. The Case was called on March 29, 2022. Ed Mullen filed an Appearance for the Objector while Burt Odelson filed an Appearance for the Candidate.
5. The Case Management Conference (CMC) was held on 3/29/2022. The Hearing Officer, Ed Mullen and Burt Odelson participated.
6. The staff count was transmitted to the parties.
7. Objector disputed the staff count of 1,535 in his Rule 9 Motion. A re-examination confirmed 1,535 lines.
8. The minimum signature requirement to appear on the General Primary Election ballot as a Candidate for State Senator in the 43rd Legislative District is 650.
9. The issuance of subpoenas as set forth in Rule 8 of the Rules of Procedure is discussed in detail in the "Subpoenas" section. The analysis is incorporated herein.
10. The recommendation in "Preliminary Motions" section is incorporated herein.
11. The record examination was conducted on 4/4/2022. The results of the record examination were transmitted to the parties on 4/4/2022.
12. The results of the record examination found the Candidate filed 1,288 valid signatures, 638 above the minimum of 650.
13. Both parties timely filed Rule 9 submissions as provided for in the Rules of Procedure.

-
14. A Rule 9 Hearing and Evidentiary Hearing as to the Pattern of Fraud allegations was held April 18, 2022.
 15. The discussion in "Rule 9 and Evidentiary Hearing" is adopted and incorporated as if set forth in detail herein.
 16. Candidate's Motion to Strike and Dismiss Objector's Petition and Motion for a Directed Verdict be DENIED.
 17. The Hearing Officer unequivocally finds no proof that pattern of fraud took place by Eric Mattson, Chris O'Hara, Noah Meyers and Michael Cardin.
 18. The Hearing Office unequivocally finds no proof of intentional wrongdoing by Terry Mangum, Joe Valach, Scott Matthews and Ryan Las.
 19. At a minimum, The Candidate has submitted 1,234 valid signatures (596 undisputed) plus the 640 "proof of fraud" signatures. The number rises to 1,475 if the 239 affidavits are included.

RECOMMENDATION

Based on the foregoing findings, it is the Recommendation of the Hearing Officer that the State Officers Electoral Board **DENY** Candidate's Motion to Strike and Dismiss Objector's Petition, **DENY** Candidate's Motion for a Directed Verdict (solely for the reason set forth above) and **OVERRULE** the Objection. The name of Eric Mattson **BE CERTIFIED** to appear on the ballot as a Democratic Candidate for the Office of State Senator in the 43rd Legislative District to be voted upon the June 28, 2022 General Primary Election.

Respectfully submitted,

/s/ James Tenuto
James Tenuto
Hearing Officer

April 19 , 2022

OBJECTION SUMMARY REPORT

22SOEBGP519 / DIAZ, MCREYNOLDS, BROWN V. MATTSON

OBJECTOR(S)

JANET DIAZ
202 S. REED ST.
JOLIET, IL 60436

ROGER A. MCREYNOLDS
1001 N. BROADWAY ST.
JOLIET, IL 60535

JOEL P. BROWN
1215 SANTA FE RD., #207
ROMEONVILLE, IL 60446

CANDIDATE(S)

ERIC MATTSON
1505 CATON AVE.
JOLIET, IL 60435

DEMOCRATIC
43RD SENATE

OBJECTION TOTALS

Petition pages	177	Examined	570	
Lines with signatures	1,535	Valid	323	56.7%
Lines with objections	570	Invalid	247	43.3%
Unchallenged lines	965	Pending	0	0%
		Pages with objections	0	0%
		Pending	0	
		Overruled	0	
		Sustained	0	
		Signatures subtracted	0	
Required signatures	650	Over/Under required signatures	+638	

NOTICE

This Objection is scheduled to be decided by the State Officers Electoral Board at a special meeting to be held on April 21, 2022, at 9:30 AM. ZOOM participation will not be offered. The parties must appear in person.

Parties may submit exceptions to this Report and Recommendation of Hearing Officer as provided for in Rule 5(c).

Please review:

Rule 1(c) - Website-Construction Notice

Rule 5(c) - Recommendation of the Hearing Officer; Final Ruling on Objection

Rule 12 - Order.

Parties should check the website of the State Board of Elections for updates and/or notices.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING
UPON OF OBJECTIONS TO THE NOMINATION PAPERS OF CANDIDATES FOR NOMINATION
TO THE OFFICE OF STATE SENATE, LEGISLATIVE DISTRICT 43, TO BE VOTED UPON AT THE
JUNE 28, 2022 PRIMARY ELECTION.

JANET DIAZ,
ROGER A. McREYNOLDS, and
JOEL P. BROWN

Petitioners-Objectors,

v.

Case No.

ERIC MATTSON,

Respondent-Candidate.

ORIGINAL ON FILE AT
STATE BD OF ELECTIONS
ORIGINAL TIME STAMPED
AT 12:25 pm, 03/21/22

OBJECTORS' PETITION

Petitioners-Objectors Janet Diaz, Roger A. McReynolds and Joel P. Brown ("Objectors") hereby file this Objectors' Petition pursuant to Article 10 of the Election Code and 10 ILCS 5/10-8 challenging the legal and factual sufficiency of the nomination papers of Respondent-Candidate Eric Mattson ("Candidate") for the position of State Senate, District 43 and the validity of voter signatures contained therein, which are not in compliance with Illinois law, as follows:

1. Objector Janet Diaz resides at 202 S. Reed St., Joliet, Illinois 60436 and is a duly qualified, legal, and registered voter at this same address within Illinois Senate District 43.
2. Objector Roger A. McReynolds resides at 1001 N. Broadway St., Joliet, Illinois 60435, and is a duly qualified, legal, and registered voter at this same address within Illinois Senate District 43.
3. Objector Joel P. Brown resides at 1215 Santa Fe Rd., #207, Romeoville, Illinois 60446 and is a duly qualified, legal, and registered voter at the same address within Illinois Senate District 43.

4. The Objectors' interest in filing this objection is that of citizens and voters desirous of seeing to it the election laws of Illinois governing the filing of election petitions are properly complied with, and only duly qualified candidates for the office of State Senate, District 43 shall appear on the ballot for the Primary Election on June 28, 2022. Objectors further have an interest in ensuring that candidates seeking to appear on the ballot and their campaigns do not submit petition sheets with false swearing and a pattern of fraud.

5. Candidate filed a Statement of Candidacy and petition signatures seeking to be placed on the ballot for election to the position of State Senate, District 43 ("Nomination Papers") as a Democrat.

6. Pursuant to Illinois law, the Nomination Papers of Candidate shall contain at least 650 signatures of qualified electors of State Senate District 43, collected in the manner prescribed by law between January 13, 2022, and March 14, 2022.

7. Objectors state that the Nomination Papers filed by Candidate are insufficient in fact and law for the reasons stated herein and on the attached Appendix-Recapitulation, which is incorporated herein. A mark in a column on the Appendix-Recapitulation represents an objection to the line number listed in the left column for the corresponding sheet of Candidate's Nomination Papers.

8. The Nomination Papers contain petition sheets with the names of persons who are not registered voters, or who are not registered and duly qualified voters at the addresses shown opposite their respective names on the petition sheets, as is set forth specifically in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading Column "a. Signer is not registered at address shown", in violation of Illinois law.

9. The Nomination Papers contain petition sheets with the signatures and names of persons who did not personally sign the Nomination Petitions in their own proper person, and that such signatures are not genuine signatures and/or were written by someone else who is

not the person with that name, as is set forth specifically in the Appendix-Recapitulation sheets attached and incorporated herein under the heading Column "b. Signature not genuine signature of registered voter", in violation of Illinois law.

10. The Nomination Papers contain petition sheets with the names of persons who reside outside of State Senate District 43, as is set forth in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading Column "c. Signer resides outside district", in violation of Illinois law.

11. The Nomination Papers contain petition sheets with the names of persons who have not provided their address or whose address is otherwise incomplete or illegible, as is set forth in the Appendix-Recapitulation sheets attached and incorporated herein, under the heading Column "d. Signer's address missing or incomplete", in violation of Illinois law.

12. The Nomination Papers contain petitions sheets with the names of persons who have signed the Nomination Papers more than one time, and each duplicate signature is invalid, as set forth in the Appendix-Recapitulation attached and incorporated herein, under the heading Column "e. Signer signed petition more than once at Sheet/Line indicated", in violation of Illinois law.

13. The Nomination Papers contain petition sheets which did not otherwise comply with the circulator's affidavit and notarization requirements of the Illinois Election Code, as indicated on each Appendix-Recapitulation sheet which contains a mark adjacent to the objections at the lower portion of the sheet as follows: Circulator did not sign petition; Circulator does not reside at address shown; Circulator's address is incomplete or missing; Circulator's signature is not genuine; Circulator's affidavit is incomplete, Circulator did not appear before notary; Sheet not notarized by a notary or appropriate officer; Notary incomplete; Date of notary is missing; Circulator is not qualified under the law; or Other. For such objection, the entire sheet is invalid, and all signatures contained thereon should be

stricken and not counted as they were not properly circulated and are in violation of the Illinois election code, as set forth in the Appendix-Recapitulation sheets attached and incorporated herein.

14. The Nomination Papers are factually and legally insufficient because they contain fewer than 650 validly collected signatures of duly qualified and registered legal voters of Illinois Senate District 43, signed by voters in their proper person with proper addresses, as demonstrated by the objections in the Appendix-Recapitulation sheets attached and incorporated herein.

15. The attached Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objectors' Petition as though fully set forth herein. Each corresponding mark in a column is an objection for the reason stated in the column heading to each line number on the page listed.

16. Objectors request that official, original voter registration records be reviewed and request a finding that the Nomination Papers are factually and legally insufficient with fewer signatures than required, such that the Electoral Board shall issue a decision that the name of Candidate not appear or be printed on the ballot for the June 28, 2022, Primary Election.

17. Objectors further allege that Candidate and his circulators engaged in a pattern of fraud and false swearing in circulating the petition sheets and signing the circulator affidavit. Specifically, Candidate Eric Mattson, circulator Noah Myers, circulator Michael Carlin and circulator Chris O'Hara signed circulator affidavits swearing that they circulated petition sheets, when in fact certain petition sheets they signed as the circulator were circulated by other individuals who did not sign the circulator affidavit. A substantial number of witnesses, including many who have already signed sworn affidavits, swear under oath that a petition sheet signed by Eric Mattson as the circulator was circulated by someone other than Eric

Matson. These witnesses typically swore the real circulator was a much younger male who identified himself as a firefighter.

18. Objectors have obtained clear and convincing evidence in the form of affidavits and documentary evidence, as well as corroborating witness statements, that Eric Mattson falsely swore that he was a circulator on petition sheets he did not circulate. As such, all of the petition sheets circulated by Eric Mattson should be invalidated based on his pattern of fraud. This includes Sheets 1, 2, 3, 5, 6, 7, 15, 16, 17, 18, 25, 26, 27, 28, 29, 30, 31, 32, 33, 37, 38, 41, 42, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 67, 68, 69, 74, 76, 77, 78, 79, 80, 81, 98, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 111, 112, 118, 119, 120, 121, 130, 131, 132, 133, 134, 147, 148, 149, 150, 151, 156, 162, and 165.

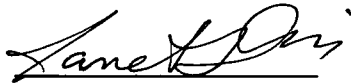
19. According to multiple witnesses who signed petition sheets, the petitions signed by Chris O'Hara as the circulator were in fact circulated by a woman. There is further evidence that circulators Noah Myers and Michael Carlin falsely swore that they circulated petition sheets circulated by other individuals, The petition sheets circulated by Chris O'Hara (Sheets 40, 124, 125, 127, 160, and 168), Noah Myers (Sheets 128, 129, 135, 136, and 137), and Michael Carlin (Sheets 153, 154, 159, 161, and 163) should also be invalidated based on the pattern of fraud.

20. There is a pattern of nearly identical petition sheets for different candidates being signed by different circulators, when the petition signer remembers only one circulator circulating multiple petition sheets for different candidates. These witnesses often identify the individual circulating the petition sheet as a firefighter, different than the people who signed the affidavits. Several of these petition sheets are attached hereto as group Exhibit A.

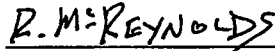
21. On February 21, 2022, Eric Mattson posted on Twitter a photo and description documenting several firefighters who collected signatures; however, the petition sheets do not reflect their names. The screen capture of the Twitter post is attached hereto as Exhibit B.

WHEREFORE, Objectors request the following: (a) a hearing on the objections set forth herein; (b) a records examination be ordered of Candidate's Nomination Papers and the official voter registration records of voters; (c) a determination that the Nomination Papers of Candidate are legally and factually insufficient; (d) a decision that the name of Candidate, "Eric Mattson", shall not be printed on the official ballot as a candidate for the position of State Senate, District 43, for the June 28, 2022 Primary Election.

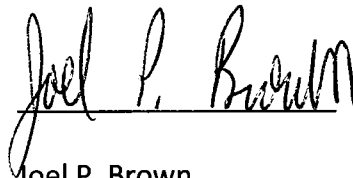
Submitted by:



Janet Diaz
202 S. Reed St.
Joliet, Illinois 60436



Roger A. McReynolds
1001 N. Broadway St.
Joliet, Illinois 60435



Joel P. Brown
1215 Santa Fe Rd., #207
Romeoville, Illinois 60446

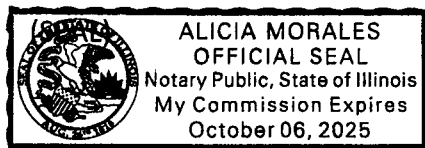
Janet Diaz

(Signature of Objector)

Janet Diaz
202 S. Reed St.,
Joliet, Illinois 60436

Signed and sworn to (or affirmed) before me by JANET DIAZ

on MARCH 20, 2022
(Insert month, day, year)



Alicia Morales
(Notary Public's Signature)

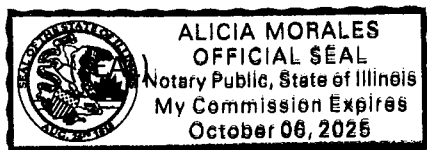
R. McReynolds

(Signature of Objector)

Roger A. McReynolds
1001 N. Broadway St.,
Joliet, Illinois 60435

Signed and sworn to (or affirmed) before me by Roger A. McReynolds

on MARCH 20, 2022
(Insert month, day, year)



Alicia Morales
(Notary Public's Signature)

Joel P. Brown

(Signature of Objector)

Joel P. Brown
1215 Santa Fe Rd/, #207,
Romeoville, IL 60446

Signed and sworn to (or affirmed) before me by Joel P. Brown

on 3-21-22
(Insert month, day, year)



Julie Stepka
(Notary Public's Signature)

**Nancy Waites v. Nancy Rodkin Rotering
22 SOEB GP 555**

Candidate: Nancy Rodkin Rotering

Office: Supreme Court Justice – 2nd Judicial District (Thomas vacancy)

Party: Democratic

Objector: Nancy Waites

Attorney for Objector: Michael Dorf

Attorney for Candidate: Michael Kreloff

Number of Signatures Required: 334

Number of Signatures Submitted: 669

Number of Signatures Objected to: N/A

Basis of Objection: Objectors asserts that the Candidate does not have the requisite number of signatures required to be placed on the ballot because the Candidate's nomination papers contain 669 signatures, and Objectors argue that a minimum of 791 signatures is required to qualify for nomination, based on Objectors' interpretation of Sections 2A-1.1b(b) and 7-10(h) of the Election Code. 10 ILCS 5/2A-1.1b(b), 7-10(h).

Dispositive Motions: On agreement, parties in 22 SOEBGP 545, 22 SOEBGP 548, 22 SOEBGP 553, and 22 SOEB 555 filed joint motions. Candidates Hutchinson, Curran, Rotering, and Cruz filed their motion as Candidates' Combined Motion for Summary Judgment and Objectors Spellberg, Masover, and Waites filed their motion as Objectors' Combined Cross-Motion for Summary Judgment, both summarized below. In the interim, the objection in 22 SOEBGP 553 was withdrawn.

Candidates' Combined Motion for Summary Judgment filed 04/02/22.

In their Combined Motion for Summary Judgment, Candidates note the cases involve a single issue: the determination of the minimum number of signatures a candidate for Second District of the Illinois Supreme Court must file immediately following a redistricting, which created a newly redrawn Second District. The Candidates argue that number is 334, as published in the State Board of Elections' 2022 Candidate's Guide.

In support of their contention, Candidates cite to Section 7-10(h) of the Election Code, 10 ILCS 5/7-10(h), which provides:

(h) Judicial office. Except as otherwise provided in this Code, if a candidate seeks to run for judicial office in a district, then the

candidate's petition for nomination must contain the number of signatures equal to 0.4% of the number of votes cast in that district for the candidate for his or her political party for the office of Governor at the last general election at which a Governor was elected, but in no event less than 500 signatures...

Candidates argue that the new Second District was created in 2021, did not exist in 2018, and .4% of the number of votes cast in that district by voters of the candidate's party for that election is not a number that exists because the voters had not previously voted in that district. In so arguing, the candidate relies on the definition of "district" from Section 1-3(14) of the Election Code, which provides: "district means any area which votes as a unit for the election of any officer ...and includes...judicial districts." 10 ILCS 5/1-3(14). Candidates argue that by enacting Public Act 102-11 and Section 15 of the Judicial Districts Act of 2021, 705 ILCS 23/15, the General Assembly terminated the existence of 2018's Second Judicial District, effective June 4, 2021. As such, no votes were cast in the Second Judicial District in the last general election because the Second District that was created by Public Act 102-11 and Section 15 of the Judicial Districts Act of 2021 did not exist in 2018, the last general election at which a Governor was elected.

Candidates further rely on *Illinois Green Party v. Ill. State Bd. Of Elections*, 2011 IL App (1st) 113375-U at ¶25 (citing *Vestrup v. DuPage County Election Commission*, 335 Ill. App. 3d 156, 164 (2002)), which held when boundaries of a district are changed due to redistricting, the former unit no longer exists. In *Illinois Green Party*, the appellate court held:

In our view, the establishment provision of §10-2 provides that a political party has the status of an established political party in any of several enumerated districts or political subdivisions if, when that district or political subdivision voted as a unit for the election of officers in the last election, that party polled more than 5% of the vote. That status, we emphasize, is conferred with respect to districts and political subdivisions, not geographic areas that exist independently of districts and subdivisions..." *Illinois Green Party v. Ill. State Bd. Of Elections*, 2011 IL App (1st) 113375-U, ¶ 20 (citing *Vestrup v. DuPage County Election Commission*, 335 Ill. App. 3d 156, 164 (2002) (emphasis added)).

The Candidates argue that if the General Assembly had intended for a candidate to use vote totals from a geographic area instead of a specifically identified district, it would have directed candidates to use vote totals calculated by adding the counties comprising the new district, and argue the General Assembly did not do so.

Second, Candidates argue the State Board of Elections' interpretation of the new statute commands deference. In reliance hereon, the Candidates cite to *Prueter v. State Officers Electoral Board*, 334 Ill. App. 3d 979, 779 N.E.2d 322 (1st Dist. 2002) and *Bonaguro v. County Officers Electoral Board*, 158 Ill.2d 391, 398-399, 634 N.E.2d 712, 715 (1994), which held that the Board's interpretation of statutes deserves "substantial weight and deference." They explain, in particular,

that Candidates have the right to rely upon the Board's interpretation when the statute at issue is subject to more than one interpretation, citing *Prueter*, 334 Ill. App. 3d 979.

Third, Candidates argue the Board would violate procedural due process were it now to adopt a different interpretation of the statute from that adopted in December 2021. Candidates note that in 2002 and 2012, when non-judicial districts were subject to redistricting, the Board published statutory flat minimum signatures in lieu of piecing together portions of former districts for signature requirement calculations. In further support of their contention, Candidates cite *Briscoe v. Kusper*, 435 F.2d 1046, 1055 (7th Cir. 1970) and *Anderson v. Schneider*, 67 Ill.2d 165, 365 N.E.2d 900 (1977). In *Anderson*, the Illinois Supreme Court interpreted *Briscoe* to reject a situation where a board might narrowly construe a statute without advance warning to prospective candidates. In so doing, the Candidates note that ballot access is a substantial right in Illinois that should not be lightly denied. See *Cunningham v. Schaefflein*, 2012 IL App (1st) 120529, ¶42 (citing *Welch v. Johnson*, 147 Ill. 2d 40, 56 (1992)); see also *Sutton v. Cook County Officers Electoral Bd.*, 2012 IL App (1st) 122528 ("Illinois public policy has long favored competitive election and access to the ballot") (citing *Lucas v. Larkin*, 175 Ill. 2d 166, 176 (1997)).

Objectors' Combined Cross Motion for Summary Judgment filed 04/06/22.

In their cross motion for summary judgment, Objectors allege the number of signatures required to appear on the ballot for Democratic Party candidates is 791 and the number for Republican Candidates is 757, and applying Candidate's interpretation goes against statutory construction and legislative history of Section 7-10(h) of the Election Code. In so alleging, the Objectors argue the following.

The Candidates' estoppel argument, asking the Board to not enforce the correct statutory minimum number of signatures of 791 and 757, respectively, to the extent it is based on information presented in the Candidate's Guide, is inconsistent with the Illinois Supreme Court's decision in *Corbin v. Schroeder*, which held that pure questions of law should be reviewed *de novo*. 2021 IL 127052 (Ill. 2021). They further note the Candidate's Guide's Preface contains a warning that the information contained therein is not binding, should not be construed as legal advice, and reliance thereon is not sufficient argument in response to an objection to a candidate's nomination papers.

The Objectors argue that the calculation of signatures for the office of Judge to the Second District of the Illinois Supreme Court as presented in the Candidate's Guide (334) is inconsistent with statute. They state that Section 7-10(h) of the Election Code sets forth the straightforward formula for calculating the minimum number of signatures that must be submitted by partisan candidates, and Section 7-10(h) does not contain a different formula that should be used after judicial districts are redrawn. Objectors argue that should the General Assembly have intended a separate formula be used following the redistricting of judicial districts, such a formula would be enumerated in statute as it is for congressional office (§7-10(b)), county board districts (§7-10(c)), the Cook County Board of Review Commissioners (§7-10(d)(3)), municipal and township offices (§7-10(d)), and sanitary district trustees (§7-10(g)).

In support of their argument that Section 7-10(h) provides the formula for calculating the minimum signature requirement for judicial offices, Objectors argue that because judicial district are

comprised of continuous, whole counties, it is easy to determine how many signatures are required for candidates in judicial districts, regardless of any redistricting. They display such by inputting vote totals of the established party candidates for Governor in the 2018 Gubernatorial Election from the five counties making up the 2022 Second Judicial District, and providing that .4% thereof, reduced by one-third (pursuant to Section 2A-1.1b(b)) is 791 for Democratic candidates and 757 for Republican candidates. Objectors note the Illinois Supreme Court made clear in *Jackson-Hicks v. East St. Louis Board of Election Comm'rs*, 28 N.E.3d 170 (Ill. 2015), when it comes to meeting the signature minimum for an office, “the clear and unambiguous standard adopted by the General Assembly requires compliance with a specific numerical threshold determined according to a specific mathematical formula. A candidate either meets that minimum threshold or does not.” *Jackson-Hicks* at ¶ 37.

Second, Objectors argue the Candidates’ calculation of the signature minimum is contrary to the plain language of the Election Code, as Section 7-10(h) does not provide for using any special calculation for judicial districts following redistricting, nor is there any language that would command the statutory minimum of 500 be used for judicial districts following redistricting. In support of this argument, Objectors cite *Maksym v. Board of Election Comm'rs*, 242 Ill.2d 303, 308 (2011), noting that when statutory language is plain and unambiguous, the statute must be applied as written without resort to aids of statutory construction, and a court will not invite exceptions that the General Assembly did not express.

Third, Objectors state that had the General Assembly intended judicial districts to use a different signature formula, it would have said so. In support thereof, Objectors highlight that the formula for signature minimums for several offices following redistricting are included in Section 7-10, but none exists for judicial districts following redistricting. Objectors rely on the canon of *expression unius est exclusion alterius*, the enumeration of an exception in a statute is considered to be an exclusion of all other exceptions, citing *Schultz v Performance Lighting, Inc.*, 2013 IL 115738, ¶17. They further highlight that the formula for signature minimums for candidates for countywide offices remains the same in every election, regardless of redistricting, 10 ILCS 5/7-10(c), (d)(1), which makes sense as the county boundaries do not change. They argue the same should be true of judicial districts, which are comprised of whole counties.

Fourth, Objectors argue that the Second District was not required to vote as a unit, as argued by Candidates, and such a contention is contradicted by Section 7-10(h). In reliance on such, Objectors argue that where the General Assembly intends that a signature calculation be based on a district unit, it expressly provides so. In so stating, they point to Section 7-10(h) which addresses signature minimums for all partisan candidates for judicial office in districts, circuits, and subcircuits, and it handles candidates for judicial district offices very differently from candidates for circuit and subcircuits office. For candidates running for office in a judicial district, Section 7-10(h) does not provide that the signature formula is tied to the district having voted as unit. But, it does state so for candidates for judicial circuits and subcircuits. To wit, they quote Section 7-10(h):

“If a candidate seeks to run for judicial office in a circuit or subcircuit, then the candidate's petition for nomination must contain the number of signatures equal to 0.25% of the number of votes cast

for the judicial candidate of his or her political party who received the highest number of votes at the last general election at which a judicial officer from the same circuit or subcircuit was regularly scheduled to be elected, but in no event less than 1,000 signatures in circuits and subcircuits located in the First Judicial District or 500 signatures in every other Judicial District.

Fifth, Objectors argue none of the authority offered by the Candidates is availing. Objectors argue Candidates' analogy of judicial districts and congressional district, and their reliance on *Illinois Green Party v. Illinois State Board of Elections*, 2011 IL App (1st) 113375-U, is misplaced. They argue *Illinois Green Party* bears no factual or legal resemblance to the facts at bar because congressional districts are distinct from judicial districts and involved the establishment of new political parties following redistricting.

Additionally, they argue that Candidates' reliance on the definition of district in Section 1-3(14) is inapplicable to the facts here. Section 1-3(14) includes the qualifier "unless the context otherwise requires[.]" and Objectors argue the context of Section 7-10(h) does not require the use of Section 1-3(14)'s definition of district. The context of this case would counsel that the definition of district is subject to the statutory interpretation of Section 7-10, that is sufficient, and utilizing Section 1-3(14) leads to an absurd result. The Objectors argue the Candidates' application of "district" would render provisions of the Election Code referencing "voted as a unit" unnecessary and superfluous.

Sixth, Objectors argue the legislative history of Section 7-10 supports Objectors' position. They argue that the provision of Section 7-10(h) addressing the signature requirement was added to the Election Code in 1995, with the passage of Public Act 94-645, and prior to the change, judicial districts, circuits, and subcircuits were all subject to the same minimum signature formula. Public Act 94-645, Objectors contend, established a unique minimum signature formula for districts, distinct from circuits and subcircuits. If the General Assembly had intended judicial districts' calculations to have remained tied to having voted previously as a unit, Objectors argue, it would have not retained this requirement in 2005.

Seventh, Objectors argue Candidates' estoppel argument fails, and base their argument on the Illinois Supreme Court's holding in *Corbin v. Schroeder*, 2021 IL 127052, where the Court found a candidate's reliance on erroneous signature calculations was not sufficient to overcome an objection challenge to the candidate's failure to file the statutory minimum number of signatures.

Candidates' Combined Response to Objectors' Motion for Summary Judgment filed 4/8/22

Candidates argue that Objector attempt to rewrite Section 7-10(h) and its reading in conjunction with the Election Code's definition of the term "district" in Section 1-3(14). 10 ILCS 5/1-3(14), 7-10(h). Section 7-10(h) instructs that signatures should be calculated based on votes cast "in that district[.]" and no votes were cast in that non-existent district in 2018's gubernatorial election. "Section 7-10(h) does not provide, as the Objectors would like, that if there were no votes cast in that district because it did not exist, the candidates should look at vote totals in counties that are

now (but may not have been before) in the Second Judicial District, reconfigure them into the new district, and then perform a calculation.” Brief at 3.

Candidates argue that although the decision in *Illinois Green Party v. Illinois State Board of Elections*, 2011 IL App (1st) 113375-U, is unpublished, it relies upon the published decision in *Vestrup v. DuPage County Election Commission*, 335 Ill. App. 3d 156 (2002), which similarly held that established party status of the Libertarian Party did not continue after redistricting of the relevant district. Candidates also argue that although *Illinois Green Party* is unpublished, the Board is bound by it as a party to that case. See 2011 IL App (1st) 113375-U.

Candidates further argue that the Board’s calculation in its Candidate’s Guide is entitled to deference, contending *Corbin v. Schroeder*, 2021 IL 127052, is distinguishable and leaves room for reliance on an administrative agency’s interpretation of the laws it is tasked with implementing.

Record Exam Necessary: No.

Hearing Officer: Michael Tecson

Hearing Officer Findings and Recommendations: The outstanding issues in the case are the minimum number of signatures required for ballot access, and whether Candidate’s 669 signatures are sufficient. The Hearing Officer recommends that in accordance with *Vestrup v. DuPage County Election Commission*, 335 Ill.App.3d 156 (2d Dist. 2002), upon the redistricting of the Second Judicial District, there was no “district” that voted “as a unit” at the last election. The definition of “district” is, in relevant part, “any area which votes as a unit for the election of any officer...and includes, but is not limited to...judicial districts[.]” 10 ILCS 5/1-3(14). Because the newly drawn Second Judicial District has never voted as a unit, as it did not exist before 2021, calculation of the signature requirement in Section 7-10(h) should not be conducted using 2018 gubernatorial votes of the individual counties comprising the new Second Judicial Circuit because that calculation is not expressly contemplated by the Election Code.

In *Vestrup*, following the November 2000 general election, the Libertarian candidate for then Representative District 39 received 26.2% of the vote. 335 Ill.App.3d 156. Under Section 10-2 of the Election Code, because the Libertarian candidate received more than 5% of the vote cast in the previous general election, it would normally be eligible to be considered an “established political party.” *Id.* at 158-59. However, following the 2000 general election, District 39 was redistricted, and portions of the former District 39 now fell within the boundaries of Districts 41, 42, 47, 48 and 95. *Id.* at 158. The *Vestrup* court ruled that the subsequent redistricting resulted in the Libertarian Party losing its established political party status for the 2002 general election, and Vestrup could not be placed on the ballot as an established political party candidate. The *Vestrup* court specifically addressed the definition of “district” in its decision, acknowledging that a “district” is defined as any area which votes as a unit for the election of any officer. *Id.* at 162 (citing 10 ILCS 5/1-3(14) (West 2000)).

As the newly comprised Second Judicial District did not exist in the last gubernatorial election, it could never have voted “as a unit for the election of any officer.” 10 ILCS 5/1-3(14). Objectors argument that the Election Code’s definition of “district” is inapplicable is unavailing under Section 7-10(h)’s language and the opinion in *Vestrup*. Therefore, the number of signatures

required shall be 500 as set forth in Section 7-10(h) of the Election Code, 10 ILCS 5/7-10(h), and reduced by one-third as required by Section 2A-1.1b(b), 10 ILCS 5/2A-1.1b(b), which equals 334 signatures. Candidates' 669 valid signatures are sufficient for ballot access.

The Hearing Officer further determined that reliance upon the Board's Candidate's Guide's signature calculation is inappropriate under *Corbin v. Schroeder*, 2021 IL 127052. The Candidate's argument regarding due process is moot in light of the Hearing Officer's recommendation, which is that Candidate's name be placed on the ballot.

The Hearing Officer recommends that the Board grant the Candidate's motion for summary judgment on his interpretation of Sections 7-10(h) and 2A-1.1b in light of *Vestrup*, deny the Objectors' motion for summary judgment on their interpretation of Sections 7-10(h) and 2A-1.1b in light of *Vestrup*, and order the name Nancy Rodkin Rotering be certified for the ballot as a candidate for the office of Supreme Court Judge for the 2nd Judicial District of the State of Illinois to be voted on at the General Primary Election on June 28, 2022.

On April 19, the Hearing Officer filed an Amended Hearing Officer's Report and Recommendation, correcting a misstatement of fact 757 signatures to the corrected 791 signatures in paragraphs 13 and 19 of his Recommendation.

Exceptions to Hearing Officer's Recommendation: On April 18, 2022, Objector filed exceptions to the Recommendation. She distinguishes *Vestrup*, primarily because it interprets Section 10-2, not a provision at issue here. She also argues that the Recommendation ignores legislature history, including that Section 7-10(h) was amended three years after *Vestrup*. Objector reiterates other arguments previously made as well.

Recommendation of the General Counsel: The General Counsel concurs in the Hearing Officer's recommendation.